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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/789,025	01/27/1997	JOSEPH KERZMAN	33012/184/10	8513

EXAMINER

CHARLES A JOHNSON
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ART UNIT	PAPER NUMBER
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DATE MAILED: 12/10/01

Art Unit: 2123

DETAILED ACTION

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37

CFR 1.192(c)

1. This communication is responsive to the Second Supplemental Appeal Brief filed 8/1/2001.
2. The brief does not contain a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line number, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5). Representative has a detailed statement where the *claim limitations* are supported in the specification and/or incorporated co-pending Applications and Appellants are thanked for the correction to the mapping. However, the Examiner has reviewed said mapping and notes the following.

- Appellants have stated (page 16, Second Supplemental Appeal Brief) that limitation "a" of the independent claims is supported on page 64, lines 18-20. Please refer to page 64 and note that these lines do not exist. This appears to have been corrected for claim 1 but not for the other independent claims. Furthermore, most of the other indicated support refers to *fragments* of sentences (see, for example, page 6, lines 6-11 which are indicated as providing support for claim 10). The Examiner will give Appellants the benefit of the doubt and assume that this was an inadvertant mistake (otherwise, this appears to suggest a 112(1) issue). In so far as the first limitation is critical to the claimed invention, the Examiner will assume that Appellants will wish to correct this oversight. Please review section § 1.192, subsection *d* of the Patent Rules.

Art Unit: 2123

3. The brief still includes *two statements* that the claims do not stand or fall together, but fails to present reasons in support thereof as required under 37 CFR 1.192(c)(5). MPEP § 1206. Furthermore, Applicant's Representative has never previously argued the claims as other than a single group.

- Specifically, there are two statements that the claims do not stand or fall together (pages 17 and 18). The statement on page 17 refers to claims 1-42 (there are only 41 claims that Appellants' are appealing). The statement on page 18 appears to be the relevant statement. Clarification is respectfully requested.

4. Appellant is required to comply with provisions of 37 CFR 1.192(c).

5. To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

6. **Any inquiry concerning this communication or earlier communications from the examiner should be:**

directed to: Dr. Hugh Jones telephone number (703) 305-0023, Monday-Thursday 0830 to 0700 ET, *or* the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704.

Art Unit: 2123

Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to: Commissioner of Patents and Trademarks

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or faxed to: (703) 308-9051 (for formal communications intended for entry) *or*
(703) 308-1396 (for informal or draft communications, please label "*PROPOSED*"
or "*DRAFT*").

Dr. Hugh Jones

October 26, 2001

KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER